

SUBMISSION AND APPROVAL OF PLATS

SECTION 6-1 PRE-APPLICATION

6-101. Prior to the filing of the preliminary plat, the subdivider shall contact the Engineer having jurisdiction, the Zoning Administrator and other administrative personnel to determine:

- a. Procedure for filing plats.
- b. Availability of City sanitary and stormwater sewers and water.
- c. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces.
- d. Zoning requirements for the property in question and adjacent properties.
- e. Special setback requirements for arterial, collector and local streets.

SECTION 6-2 MINOR PLATS

6-201.

- a. A minor plat is defined as a subdivision of land (1) into no more than five (5) lots fronting on an existing street; (2) not involving any new street or extension of public facilities; (3) not including more than ten (10) acres if a residential plat, nor more than five (5) acres for any other type of plat, unless the Planning Commission approves a larger acreage; and (4) not in conflict with the Comprehensive Plan, or any provision in the zoning regulations or any provision in these regulations.
- b. Minor plats may be submitted in final plat form as described in Section 6-4 without first filing a preliminary plat or having such a preliminary plat approved by the Planning Commission, with the exception that the preliminary plat filing fee shall be submitted with the filing of the plat with the Zoning Administrator. Minor plats shall also contain all the information required for the filing of preliminary plats pursuant to Section 6-3.

SECTION 6-3 PRELIMINARY PLATS

6-301. After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplemental information necessary to the Zoning Administrator who shall schedule a public hearing with the Planning Commission.

- a. Submission of a Preliminary Plat.
 - 1. Filing Fee and Proof of Ownership. A filing fee as adopted by the Governing Body shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider. The subdivider shall submit satisfactory proof of ownership, or a copy of a contract for purchase, of the entire tract to be platted.

2. Number of Copies. The subdivider shall submit five (5) copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the Secretary of the Planning Commission at least twenty (20) days prior to a regular Planning Commission meeting at which the preliminary plat is to be considered.
3. The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all unplatted land within: (a) two hundred (200) feet of property which is within the city limits being proposed for subdividing or re-subdividing or (b) within one thousand (1,000) feet of property which is outside the city limits being proposed for subdividing or re-subdividing.
4. All plats shall be prepared by a professional engineer licensed in the State of Kansas or a Kansas-registered land surveyor, as required by state statute or regulation. The boundary and topographic survey may be prepared by a land surveyor registered in Kansas.
5. Preliminary plats shall contain:
 - a. The proposed name of the subdivision. (The name shall not duplicate or closely resemble the name or names of any existing subdivision.)
 - b. The location of the boundary lines of the subdivision and references to the section or quarter section lines.
 - c. The names and addresses of the subdivider developer, owner, and the engineer or land surveyor who prepared the plat.
 - d. Scale of the plat, 1" = 100' or larger.
 - e. Date of preparation and north point.
 - f. Existing conditions.
 1. Location, width and name of platted streets or other public ways, designation of private streets, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
 2. All existing sewers, water mains, gas mains, culverts or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.
 3. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
 4. Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS datum. Where the

ground is too flat for contours, spot elevations shall be provided

5. Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
6. The Planning Commission may require, as a condition of the preliminary plat, that the subdivider agrees to provide for deed covenants whereby the subdivider or any subsequent owner(s) of lots within the proposed subdivision agree:
 - a. To make connection to the city sewage system whenever such public sewer is extended within 500 feet of any boundary of the subdivision and the City makes a request that such connection be made, and further;
 - b. To pay the cost of such extension of the public sewer to the subdivision and the cost of connection of lots thereto, whether by means of special assessment, connection fees and / or another lawful means.
- g. The general arrangements of lots and their approximate size.
- h. Location and width of proposed streets, alleys, pedestrian ways and easements and approximate gradient of streets.
- i. The general plan of sewage disposal and water supply in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type and location of sewage disposal and water system proposed.
- j. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
- k. General layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the un-subdivided property.
- l. The subdivider shall submit a preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, necessary widths of all open drainageways and meeting all other requirements for stormwater management as set forth in Chapter 10, Article III of the Code of the City of Emporia. This plan shall be forwarded to the City Engineer who will prepare a written analysis of the plan for consideration by the Planning Commission.
- b. Review by Utility Advisory Committee. Upon the receipt of the copies of the preliminary plat, the Secretary of the Planning Commission shall send

- a copy of the plat to each member of the Utility Advisory Committee. The Utility Advisory Committee shall review said plat and submit its recommendations to the Planning Commission.
- c. Approval or Disapproval of Preliminary Plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within ten (10) business days after the Planning Commission meeting, at which time the plat was considered and action was taken thereon. Approval of the preliminary plat by the Planning Commission does not constitute an acceptance of the subdivision, but is rather merely an authorization for the subdivider to proceed with the preparation of the final plat. In cases where the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. If the Planning Commission fails to approve or disapprove a preliminary plat within sixty (60) days after the plat has been submitted for consideration, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented to extend or waive such time limitation.
 - d. Area to be Platted. In order to ensure that the provisions of these regulations are carried out and that the overall subdivision design is prepared in an orderly manner, the Planning Commission may require that a preliminary plat be submitted on all contiguous land under common ownership rather than a parcel or segment. The area may, however, be final platted in smaller parcels or segments as directed by the Planning Commission.
 - e. Effective Date. The approval of the preliminary plat shall be effective for an indefinite period of time, except that the Planning Commission may, after a minimum period of six (6) months due to substantial justification or change in the area, require the redesign and resubmission of the preliminary plat.

SECTION 6-4 FINAL PLAT 6-401.

- a. Submission.
 - 1. After approval of the preliminary plat, the subdivider may submit a final plat along with a fee established by the Governing Body to pay for the recording of the plat.
 - 2. A digital copy of the final plat, in state plane coordinates or tied to two section corners and formatted to standards established by the Zoning Administrator, plus the original on mylar and five (5) prints thereof shall be submitted to the Secretary of the Planning Commission at least twenty (20) days prior to the Planning Commission public meeting. The names and signatures of the owner(s) of the property duly acknowledged and notarized shall appear on the original and all copies submitted.

3. The Planning Commission shall be required to hold a public hearing on a final plat only when the Planning Commission finds there is a question whether the final plat as submitted is in substantial conformity with the approved preliminary plat. The public hearing for a replat in substantial conformance with a previously approved preliminary plat shall be during the consideration of the final plat.
 4. The final plat, prepared for recording purposes, shall be drawn at a scale of 1" = 100' or larger (i.e. 1"=50, not 1" =200'). The size of the sheet on which such final plat is prepared shall be twenty-four (24) inches by thirty-six (36) inches. Each sheet shall have a one and one-half inch (1-1/2") binding edge along the left hand side. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If two (2) or more sheets are required, an index map of the same dimensions shall be attached showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.
- b. Information. The final plat shall show and contain the following information.
1. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
 2. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one (1) foot in five thousand (5,000) feet. Total acreage of the subdivision shall be provided.
 3. The location of existing monuments and benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
 4. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
 5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
 6. The exact locations, widths, and names of all streets and alleys to be dedicated.
 7. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use. The incorporation of fillets into property lines and for right-of-ways lines at intersections to ensure that the distance

between the road edge and the property line is no less than the similar distance for lots having only one frontage.

8. Building setback lines on the front and side streets with dimensions. Rear setback lines and dimensions shall be shown for irregular shaped lots.
9. Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point.
10. Statement expressing the property owner's intent to dedicate for public use all easements, streets, alleys and all other public areas previously dedicated.
11. The following certificates, which may be combined where appropriate.

State of Kansas)

) SS

County of Lyon)

- a. Name, signature and seal of the licensed engineer and registered land surveyor preparing the plat, as appropriate.
- b. Name, signature and seal of the registered surveyor verifying that all monuments and control markers have been set in compliance with Emporia/Lyon County requirements and in accordance with the Land Survey Act, K.S.A. 58-2001 *et seq.*
- c. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided including all mortgage holders consenting to the preparation and recording of said subdivision map and expressing the property owner's intent to dedicate or reserve all parcels of land shown on the final plat and intended for any public or private uses including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, tenants, and visitors.
- d. The acknowledgment of a notary in the following form:

The foregoing instrument was acknowledged before me this

_____ day of _____ of A.D.
_____ by

Notary Public

(SEAL)

My Commission

Expires: _____

e. The certificate of the Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the Emporia-Lyon County Metropolitan Area Planning Commission this ____ day of _____, _____.

Chair

Attest: Secretary

f. The acceptance of easements, rights-of-way and other public dedications by the Governing Body in the following form:

The dedications shown on this plat have been accepted of by the City of Emporia, Kansas, this ____ day of _____, _____.

Mayor

(SEAL)

Attest: City Clerk

g. **OR**, The acceptance by the Board of County Commissioners in the following form:

The dedications shown on this plat have been accepted by Lyon County, Kansas, this ____ day of _____, _____.

Commission Chair

(SEAL)

ATTEST:

Lyon County Clerk

h. The certificate of the County Treasurer in the following form:

I hereby certify that the taxes on the included tracts are current.

Lyon County Treasurer

Date

i. The certificate of the County Surveyor in the following form:

I hereby certify this plat is in accordance with the Land Survey Act, K.S.A. 58-2001, *et seq.*

Lyon County Surveyor

Date

j. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this _____ day of _____, _____.

Lyon County Clerk

k. The certificate of the Register of Deeds in the following form:

State of _____, County of _____, SS. This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, _____, in Book _____, Page _____.

Lyon County Register of Deeds

Deputy

12. The following additional data and documents shall be submitted with the final plat.

- a. A title report by an abstract or title insurance company, or an attorney's opinion of title, showing the name of the owner or owners of the land and all other restrictions, easements or encumbrances on the land. The consent of all such persons having a financial interest shall be shown on the plat and acknowledged by a notary public.
- b. If any taxes or special assessments, due and payable, have not been paid in full but have been protested as provided by law, monies or other

sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, shall be placed on deposit with such officials or governing bodies in an amount sufficient to meet this requirement.

- c. A copy of any restrictive covenants applicable to the subdivision.
- d. At least three (3) Reference ties for locating each exterior monument.

c. Governing Body Acceptance of Final Plat. After the approval of the final plat by the Planning Commission, such plat shall be forwarded to the appropriate Governing Body for its approval of the plat and the acceptance of streets, alleys, easements or other dedicated public rights-of-way or sites. The Governing Body may take action on the plat at any meeting following approval of the plat by the Planning Commission and the Governing Body should approve or disapprove the plat and shall accept or refuse the dedication of land for public purpose within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the city clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore and request reconsideration by the Planning Commission.

d. Recording of Final Plat. After acceptance of the public dedications and easements by the Governing Body, the Secretary of the Planning Commission shall record the original copy of the final plat with the Register of Deeds of Lyon County.

e. Building Permits. No building or zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided in accordance with these Subdivision Regulations. Construction drawings and specifications for all required developer-installed improvements shall be submitted to the Engineer having jurisdiction, and approved, before any building or zoning permit shall be issued. No plat, re-plat, dedication or deed shall be filed with the Register of Deeds until such plat, re-plat, dedication or deed has been approved by the Planning Commission and the Governing Body as required by law.